

BY THE
37-1747
GENERALL
ASSEMBLIE
OF THE
CONFEDERAT
CATHOLICKES
OF
IRELAND

An Establishment for the Courte of Generall Iudicature

FOrasmuch as the present warre is growne to that length, that the Modle of Government, which hinder mens entries into possessions, whereunto their entry in the begininge of these troubles was or is lawfull, may be prejudiciall to the rights, which me had to enter into their possessions by reason of death of witnesses, & of descents Cast, and of diuers statutes, which doe limit possessory actions to a Certaine tyme. For prevention whereof and to the end that the restriction put vpon men by the said Modle of Gouvernement concerninge bringinge Actions for their possessions, may be enlarged and looke backe to a further tyme then

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the

the first of these troubles. It is therefore ordered and
Established that all and every person & persons may
hereafter sue, haue, and maintayne any Action of
or for any Mannours, Lands, tennements or heredi-
taments of or vpon his or their owne Seisin or posses-
sion, or vpon his or their Ancestors Seisin or possession
therein, or vpon the Seisin or possession of those vnder
whom any such person or persons doe clayme any
right or title to any Mannours, lands, tennements, or
hereditamets with in twenty yeares before the Comen-
cement of any such Action hereafter to be brought.

IT is further ordered that for assurance of Ioyntures
and purchases made or to be made duringe these
troubles, fynes and Common Recoueryes shall and
may be had in the Courte of Comon Bancke of the
Generall Iudicature proper for the same; and that the
feuerall officers by the lawe needful therunto,
shall be named and Setled in the said Courte, and
that the said fynes and Recoueryes to be had as a fore-
sayd shall be as stronge, and as byndinge as if they were
had, in the Courte of Common Bankear Dublin.

IT is further ordered that to Cause obedience to be
had and donne vnto the Courtes of Generall Iudi-
cature and to continue all men within their dueties
the better the said Courts shall & may proceede to out-
law persons, in Cases of Contempt accordinge to the
lawes, and like wise in Cases of felony, and treason to
proceede to outlawryes & other attainders accordinge

to the lawes and the forfeiture arisinge there vpon to
accrue to the Publique to the vse of his Maiestie. And
that all attainders hereafter to be had duringe the go-
uernment of the Confederate Catholiques, shall be as
stronge and as byndinge, and Carry the same effect of,
and for disabilitie, Corruption of blood, forfeiture,
and execution as any attainer did before these
troubles.

IT is further ordered, that all causes Commenced, or
to be Commenced in the Generall Iudicature in case
a peace shall be made, pendinge the said Causes, shall
continue and be proceeded with in the Courts of Du-
blin, or what other Courts shall be agreed on to be set-
tled then, and that want of Iurisdiction shall be noe let
or barre therunto, but that the said Causes shall stand,
and be proceeded vpon, as if the said peace were not
had, or made, And all decrees, and Iudgments had or
past in the said Generall Iudicature, shall be as effectuell
and byndinge as if they were had in the Courts of Du-
blin in tymes of peace.

FOr as much as the Acts of reducinge vses to five
pounds in the hūdre duringe these troubles hath
not made or declared the takinge or contractinge for
more then accordinge the said rate of five pounds per
Cent. to be usurious and voyd. It is therfore ordered
that all Contracts bills bonds, recognizances, statutes,
and specialties, hereafter to be made, where vpon
more then after five pounds per Cent: for intrest, or

use, will be taken, or Contracted for, duringe these troubles, are and shall be voyde, and are hereby declared to be vsurious, & the same penalties, & forfeitures to follow therof, which are set downe in the statute of vsurie made in this Kingdome, *decima Caroli*

That in Case of Mortgages, the Iudges of the Generall Iudicature may haue power to proceed therein, wherein the lands mortgaged are possessed by the mortgageor his heires, or assignes, by lease, or other Contracte: And in case of rents, or Annuities Mortgaged, for the qualifikation of the rents, and profits, to be payde there out yearlie duringe these troubles, and to determyne the same, accordinge to the vallue, & Condition of each mans particular case in equitie and Conscience. And for as much as the power of the said Court of Generall Iudicature, is enlarged in the particulars aforesaid, besides the former power it had by the Establishments of former Assemblies, by meanes wherof it is conceaued, the practice of the said Courtes, & labour of the said Iudges, will be the more encreased, and with all, for avoydinge the inconueniencie, and disorder, which was found by the sittinge together of the said Courts, of Chauncery, Star-chamber and Common-lawe, in one Courte. It is therfore ordered and Established that the said Generall Iudicature shall be deuided into two seuerall Courts, the one Consistinge of a Chauncery, and Starr-chamber, the other consistinge of the Courts of Kings bench

Bench, and Comon Bancke, all which said Courts, are to
consiste of the ensueinge Iudges, (viz) the right
reuerend father in god Arthur lo: Byshop of Downe,
Richard Berford, Iohn Dillon, Richard Martin, Iohn
Walsh, Hugh Rochford, and William Hoare Esquiers,
of which said number, the said lo: Byshop of Downe,
with three more of the said Iudges to be nominated
and ascertained by the Supreame Councell with the
aduise of the aforesaid Iudges, are to sit as Iudges and
to heare and determyne Causes, in the said Courtes of
Chauncery and Star-chamber, And the said Richard
Berford, who is declared and appointed cheefe Iustice
of the said Courtes of Kings Bench & common Bancke,
is to sit together with other the two Iudges, which shall
fall out not to be nominated or ascertained for the
said Courtes of Chauncery and Starchamber, as Iustices
of both the said Courtes of Kings bench and Common
bancke to heare and determine causes, and therein to
proceede accordinge to the lawes of the land.

A Nd it is further the sence of the howse, and soe
declared, that the said Iudges shall sit and weare
their Gownes in Court, and haue the respect due to
their places, and that the lawyers at Barre, and other the
Cheefe officers of the said Courtes shall likewise goe in
their Gownes in courte.

A Nd it is further ordered that when any Starcham-
ber matters shall be in hearinge that the right
honorable the Supreame Councell, and the rest of

the said Iudges which are not to be nominated for the said courtes of Chauncery & Star-chamber may if they please be present and sit and vote in such causes.

ANd it is further ordered that in case Mr. Martin take not on him to be one of the said Iudges that Geffery Browne Esquier shall be Iudge in his place, but in case the said Mr. Martin take the place vpon him, that then the said Geffery Browne shall be cheefe Iustice of Connaght in his steade.

It is further ordered and Established that each of the said Iudges shall haue the accustomed pension of 150 pounds per Annum to be payde quarterly; and in case any of them doe not attend their charge in Tearme tyme, their pension to abate proportionably vnlesse their absence be occasioned by reason of Sicknes or infirmitie.

IT is likewise ordered that a Chequer-chamber shall be consisting of all the Iudges aforesaid vppon all occasions that shall require the same.

IT is further ordered and Established that the Major of the Citty of Kilkenny or Major or Magistrat of any other Citty or Corporation wherein the said Iudges shall sitt shall provide Sufficient and conuenient Court-houses for the said Iudges to sitt in, and withall decent and conuenient Lodgings well accomodated for them to Lodge in.

Ex. per Philippum Kearnie Gen. Com.

Hibernie Cler.

Kilkenny the 2. of Aprill' 1647.



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2 Apr 1697
The Effluents
in St. Paul 1697

